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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,870	01/29/2001	Thomas Francis McGee III	US010016	7779

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BRIARCLIFF MANOR, NY 10510

EXAMINER

TO, BAOQUOC N

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/771,870

Applicant(s)

MCGEE ET AL.

Examiner

Baoquoc N. To

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/20/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/20/2006 has been entered.

Claim 1 is amended in the amendment filed on 09/20/2006. Claims 1-24 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments filed 09/20/2006 have been fully considered but they are not persuasive.

Applicant argues "contrary to the reason for rejecting the claims, the office action has failed to show how the combination of Alexander and Masahiro teaches obtaining keywords from an Internet website and searching for unrelated television programs containing information associated with the keyword. Rather, Alexander specifically teaches the opposite of the current invention (i.e., obtaining the key words from a television program and searching the internet for related documents).

The examiner respectfully disagrees with the above argument. Alexander discloses "obtaining the key words from a television program and searching the Internet

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for related documents" is one of the preferred and/or illustrative of the inventive concept; the scope of the invention is not to be restricted to such embodiment. Various and numerous other arrangements may be devised by one skilled in the art without departing from the spirit and scope of this invention (col. 35, lines 38-44). For such of embodiment can be illustrated by Masahiro wherein Masahiro discloses the concept of extracting the keywords "Golf", "Ozaki twin" and a "driver" to search for the TV programs which contains the keyword of one of the above in a program tile (page 4, lines 10-18). This is well settled rule that a reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. See *In re Burkel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979) and *In Lamberti*, 545 F.2d 747, 192 USPQ 278 (CCPA 1976) as well as *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977) which indicates such fair suggestion to unpreferred embodiments must be considered even if they were not illustrated. Additionally, it is an equally well settled rule that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. See *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956).

Applicant also argues "neither Alexander nor Masahiro, individually or in combination, teach or suggest all the elements recited in the above referred-to-claim. Hence, even if the teaching of Alexander and Masahiro were combined, the combined device would not include all the features recited in independent claim 1."

The examiner respectfully disagrees with the above argument. As explained in above, Alexander in unpreferred embodiments which indicate the invention can be

arrangements may be devised by one skilled in the art arrive the concept of the main invention. This suggestion of various and numerous arrangement are suggested by Masahiro where Masahiro discloses the system to search for the TV programs using the extracted keywords "Golf", "Ozaki twin" and a "driver" from the documents on the Internet (col. 4, lines 10-18). Therefore, the motivation is to allow the system having flexible tools to conduct the search beyond the Internet in order to retrieve more information which is interested to user.

Other independent claims having the scope of claim 1; therefore, claims 13 and 19 are rejected under the same reason.

Applicant argues "the aforementioned claims depend from the independent claims which have been shown to contain subject matter not disclosed by the combination of Alexander and Masahiro. Contrary, to the statements made in the Office Action, the cited reference fail to provide teaching or suggestion to correct the deficiency noted in the combination of Alexander and Masahiro. Hence, event if there were some motivation to combine the teaching of the cited references, the device formed from the teaching of the cited reference fails to teach all the features recited independent claim, consequently, the aforementioned dependent claims."

The examiner respectfully disagrees with the above argument as to the reason indicate above and details in the office action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-13, 15-16, 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,117,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000).

Regarding on claim 1, Alexander teaches a method for searching for television programs comprising the steps of:

sending said at least one key object to a search capable video recorder (col. 19, lines 5-7); and

conducting a key object search with said search capable video recorder to locate at least one television program that contains said at least one key object (col. 19, lines 7-11).

Alexander does not explicitly teach identifying at least one key object in at least one Internet document by means of a personal computing device that initiated a request for said at least one Internet document, wherein said key object represents a topic of interest and said at least one Internet document is not related to said television

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program. However, Masahiro discloses "the three phrases "golf", the "Ozaki twin", and a "driver" were extracted from the file object as a description keyword. A television race card is searched an OR for these words. Consequently, the TV program which contains a keyword of one of the above in the program title (explanation of a program) is search..." (paragraph 0024, lines 1-6). These extracted keywords from the web document are used for a search to retrieve the television program. The Internet document and the television program are not related; the relationship here is the keywords "golf", "Ozaki twin" and "driver" between the Internet document and television program. Additional, in the conventional search and retrieval system whether to search for Internet documents and/or television programs, the keywords are used to retrieve Internet documents and/or television programs. Further, Masahiro also discloses the concept compiling the extracted keywords "Golf", the "Ozaki twin" and a "driver" (paragraph 0024). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander's system to include utilizing the extracted keyword from the web document to search for the television programs as taught by Masahiro in order to allow the user to use different tools to retrieve additional information by retrieving television programs.

Regarding on claim 2, Alexander do not explicitly teach the method recited in claim 1 further comprising the step of: identifying a plurality of key objects in at least one Internet document; placing said plurality of key objects in a list of key objects; sending said list of key objects to said search capable video recorder; and conducting a key object search with said search capable video recorder to locate at least one

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television program that contains at least one key object in said list of key objects.

However, Masahiro discloses: identifying a plurality of key objects in at least one Internet document ("golf", the "Ozaki twin" and a "driver"); placing said plurality of key objects in a list of key objects ("golf", the "Ozaki twin" and a "driver"); sending said list of key objects to said search capable video recorder (sending the list to the EPG for searching); and conducting a key object search with said search capable video recorder to locate at least one television program that contains at least one key object in said list of key objects (a search for TV program is conducted) (paragraph 0024, lines 1-6).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander's system to search for TV programs using the grouping of the extracted keywords as taught by Masahiro in order to have more chances to retrieve TV programs.

Regarding on claim 3, Alexander teaches the method of recited in claim 2 comprising the step of: increasing the number of said plurality of key objects in said list of key objects by adding key objects to said list that are similar to said plurality of key objects in said list of key objects (more than one new items) (col. 19, lines 30-31).

Regarding on claim 4, Alexander teaches the method recited in claim 1 further comprising the steps of: providing search results of said key object search to a viewer (co. 19, 5-7), said search results identifying at least one television program that contains at least one key object (col. 19, lines 7-10); selecting at least one television program that contains at least one key object in response to a viewer instruction (col. 19, lines

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33-34); and recording in said search capable video recorder said at least one television program selected by said viewer (col. 19, lines 9-10).

Regarding on claim 5, Alexander teaches the method recited in claim 1 further comprising the steps of: receiving in said search capable video recorder search results of said key object search, said search results containing at least one television program that contains at least one key object (col. 19, lines 30-37); and

Recording in said search capable video recorder at least one of the television program identified in said search results (col. 19, lines 30-37).

Regarding on claim 6, Alexander teaches the method recited in claim 5 further comprising the steps of: using a selection criterion to select at least one television program from said search results to be recorded (col. 19, lines 30-37).

Regarding on claim 7, Alexander teaches the method recited in claim 6 wherein said selection criterion comprises one of: selecting only those television programs that will be shown in a particular time period, selecting only those television program that are deemed to be the most relevant to a particular topic, selecting all television programs that appear within a search results until the disk space limit of a search capable video recorder has been reached, selecting television program that may be overwritten by said search capable video recorder, and selecting television programs that may not be overwritten by said search capable video recorder (col. 20, lines 15-20).

Regarding on claim 8, Alexander teaches the method recited in claim 5 further comprising the step of: recording in said search capable video recorder all of the television programs identified in said search results (col. 19, lines 30-37).

Regarding on claims 9, 15 and 20, Alexander teaches the method recited in claim 1 wherein said key object search is conducted for a predetermined period of time (col. 19, lines 5-7).

Regarding on claims 10, 16 and 21, Alexander teaches the method recited in claim 1 wherein said key object search identifies at least one television program using program identification information (col. 19, lines 7-10).

Regarding on claims 12, 18 and 23, Alexander teaches the method recited in claim 1 wherein said search capable video recorder comprises one of: a video recorder with a hard disk memory, a television set with a video recorder with a hard disk memory, a set top box with a video recorder with a hard disk memory, a video cassette recorder with a hard disk memory, and a personal computer with a video card (col. 3, lines 1-10).

Claim 13 is rejected under the same reason as to claim 1, in addition Alexander also discloses providing search results of said key object search to a viewer said search results identifying at least one television program that contains at least one key object in response to a viewer instruction (col. 19, lines 30-31); and recording in said search capable video recorder said at least one television program selected by said viewer (recording) (col. 19, lines 31-34).

Claim 19 is rejected under the same reason as claim 1, in addition Alexander also discloses a plurality of key objects (new items) (col. 19, lines 30-31).

4. Claims 11, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Cargun et al. (US. Patent No. 5,481,296).

Regarding on claims 11, 17 and 22, Alexander and Masahiro do not explicitly teach the method recited in claim 1 wherein said key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key object used in said key object search. However, Cargun teaches key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key object used in said key object search (col. 16, lines 62-67 to col. 17, lines 1-12). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include key object search identifies at least one television program by analyzing at least one video stream of at least one television program to find objects that match the key object used in said key object search as taught by Cargun in order to retrieve the most relevant program for viewing.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Geer et al. (US. Patent No. 6,788,882 B1).

Regarding on claim 14, Alexander and Masahiro do not explicitly teach conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (col. 11, lines 32-38). However, Alexander teaches conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder (col. 11, lines 32-38). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include conducting said key object search in said search capable video recorder in television programs that have previously been recorded in said search capable video recorder as Geer in order to provide the retrieval or the record television program for later viewing.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US. Patent No. 6,177,931 B1) in view of Masahiro et al. (JP 2000-307993 11/02/2000) and further in view of Milnes et al. (US. Patent No. 6,118,492)

Regarding on claim 24, Alexander and Masahiro do not explicitly teach notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer. However, Milnes teaches notifying said viewer when said search capable video recorder has recorded said at least one television program selected by said viewer (col. 5, lines 41-48). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Alexander and Masahiro system to include notifying said viewer when said

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search capable video recorder has recorded said at least one television program selected by said viewer as taught by Milnes in order to notify the user to further viewing the recorded television program.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

BQ

October 26<sup>th</sup>, 2006



JOHN BREENE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100